

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALMA T. MCBROOM,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 2:06-CV-767-F
)	
JOHN E. POTTER, POSTMASTER)	
GENERAL, et al.,)	
)	
Defendants.)	

DEFENDANT JOHN E. POTTER'S MOTION
FOR FINAL JUDGMENT

COMES NOW Defendant, John E. Potter, in his official capacity as Postmaster General of the United States, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves for entry of final judgment pursuant to Federal Rule of Civil Procedure 54 (b). In support of this motion, the Postal Service states as follows:

1. Plaintiff filed her complaint alleging a claim against John E. Potter in his official capacity as Postmaster General on August 26, 2006.
2. On December 19, 2006, the Magistrate Judge issued a recommendation that plaintiff's claim against the Postmaster General be dismissed with prejudice.
3. By order dated January 25, 2007, Chief Judge Fuller adopted the Recommendation and dismissed plaintiff's claim with prejudice. The Court construed

plaintiff's objection to the Recommendation, in part, as potentially being a motion to amend the complaint and referred the matter back to the Magistrate Judge for further proceedings.

4. On February 1, 2007, this Court held a scheduling conference at which plaintiff personally appeared. The Court instructed plaintiff that if she indeed wished to amend her complaint, she must file a motion for leave to amend and a proposed amended complaint on or before February 7, 2007. Plaintiff indicated that she understood the Court's instruction. In addition, the Rule 16 scheduling order states that any motions to amend pleadings shall be filed no later than February 28, 2007.

5. Both deadlines have passed, and Plaintiff has not filed a proposed amended complaint or motion to amend. Plaintiff's only claim against the Postmaster General has been dismissed with prejudice.

6. This is a multi-party case. There is no just reason for delaying entry of final judgment in favor of the Postmaster General while the claims against other parties are resolved.

WHEREFORE, for the above reasons, Defendant, the Postmaster General, requests that the Court direct entry of final judgment in his favor pursuant to Rule 54 (b) of the Federal Rules of Civil Procedure.

Respectfully submitted this 5th day of March, 2007.

LEURA G. CANARY
United States Attorney

By: /s/Stephen M. Doyle
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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Anton Hajjar, Esq., Brenda Zwack, Esq., Patricia K. Nakamura, Esq., and William Post Roberts, II, Esq., and mailed a copy of same, first class, postage prepaid, addressed as follows:

Alma T. McBroom, Pro se
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Montgomery, AL 36108

/s/Stephen M. Doyle
Assistant United States Attorney